

Notice No.: 98-011

Date: December 22, 1998

Applies to: All PERS Employers

Subject: PERS Membership Eligibility for Former Members and Retirees of WSPRS and LEOFF

This Notice explains Public Employees' Retirement System (PERS) eligibility for retirees of the Washington State Patrol Retirement System (WSPRS) and the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF).

Most LEOFF and WSPRS retirees prohibited from becoming members of PERS

Most LEOFF and WSPRS retirees are prohibited from becoming members of a second public retirement system. The provisions of RCW 41.04.270(1) prohibit certain individuals from establishing any rights in a public retirement system listed in RCW 41.50.030 (the plans administered by DRS) or in the city retirement systems of Seattle, Tacoma and Spokane, if any of the following conditions exist:

- (a) the person is retired from a public retirement system; or
- (b) the person is eligible to receive a retirement benefit from a public retirement system; or
- (c) the person receives a disability allowance from a public retirement system.

As originally enacted on March 19, 1976, the law provided that the only persons to whom (a) and (b) do not apply are those members and retirees whose retirement was or will be based on less than 15 years of service. In 1987, the law was amended to provide that (b) does not apply to a dual member.

Some WSPRS and LEOFF retirees can choose to be members of PERS

Any person who retired from, or is eligible to retire from, WSPRS or LEOFF and who established membership in PERS before March 19, 1976, may reestablish PERS membership if the person is now employed in a PERS-eligible position.

If a retiree is not prohibited from establishing or reestablishing PERS membership, the person may elect to join PERS. Membership in PERS, however, is not mandatory.

Asking the following questions will help you determine if a person who is eligible to receive a retirement benefit, or a retiree of WSPRS or LEOFF, can establish or reestablish PERS membership if the person is now in a PERS-eligible position.

1. Did this person establish PERS membership prior to March 19, 1976?

Yes: The person is to be given an option to reenter membership.
(The option exists even if PERS contributions were withdrawn or the former PERS service credit was transferred to another retirement system.) The option selection must be in writing.

No: Go to 2.

2. Is this person a disability retiree?

Yes: The person is prohibited from establishing PERS membership.
See RCW 41.04.270(1)(c).

No: Go to 3.

3. Is this person retired or eligible to retire with service credit of 15 or more years in WSPRS or LEOFF?

Yes: The person is prohibited from establishing membership.
See RCW 41.04.270(1)(a) or (b).

No: The person is to be given an option to enter membership. The option selection must be in writing.

Note: The option to enter PERS membership is a one-time, irrevocable choice, made when the employee is hired. Once the employee chooses to be a member of PERS or chooses *not* to be a member of PERS, the employee cannot revoke that choice.

Questions?

If you have questions regarding the information in this Notice, please contact PERS at (360) 709-4700 or call our toll free line, 1-800-547-6657.

This Notice can be accessed on the DRS Web site at **<http://www.wa.gov/DRS/employer>**.

John F. Charles
Director

1998 DRS Notices

For a copy of a Notice, call (360) 586-0052 or 1-800-547-6657, or
access on the DRS Web site at <http://www.wa.gov/DRS/employer>.

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98-011	All PERS Employers PERS Membership Eligibility for Former Members and Retirees of WSPRS and LEOFF